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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 C.M. BUSTO,

Case No. 3:21-cv-00137-MMD-WGC

7 Plaintiff,

ORDER

8 v.

9 THE HONORABLE UNITED STATES  
OF AMERICA,

10 Defendant.  
11

12 *Pro se* Plaintiff C.M. Busto filed a motion for sentence reduction under 18 U.S.C.  
13 § 3582(c)(1)(A) and requested the appointment of counsel. (ECF No. 1-1.) Before the  
14 Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States  
15 Magistrate Judge William G. Cobb (ECF No. 3), recommending that this action be  
16 dismissed with prejudice. Busto had until April 12, 2021 to file an objection. To date, no  
17 objection to the R&R has been filed. For this reason, and as explained below, the Court  
18 adopts the R&R, and will dismiss this action with prejudice.

19 The Court “may accept, reject, or modify, in whole or in part, the findings or  
20 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
21 fails to object to a magistrate judge’s recommendation, the Court is not required to  
22 conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas*  
23 *v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114,  
24 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
25 recommendations is required if, but *only* if, one or both parties file objections to the  
26 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory  
27 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no  
28 clear error on the face of the record in order to accept the recommendation.”).


1 Because there is no objection, the Court need not conduct *de novo* review, and is  
2 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends that the action  
3 be dismissed with prejudice as Busto's "initiating documents reveals non-sensical,  
4 fantastical statements that do not appear to have any basis in law or fact." (ECF No. 3 at  
5 1.) The Court agrees with Judge Cobb. Having reviewed the R&R and the record in this  
6 case, the Court will adopt the R&R in full.

7 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.  
8 3) is accepted and adopted in full.

9 It is further ordered that this action is dismissed with prejudice.

10 The Clerk of Court is directed to enter judgment accordingly and close this case.

11 DATED THIS 14<sup>th</sup> Day of April 2021.

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15 MIRANDA M. DU  
16 CHIEF UNITED STATES DISTRICT JUDGE  
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